

FIFTY-SECOND DAY

(Continued)

(Thursday, May 19, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m., and was called to order by the President pro tempore.

Leaves of Absence Granted

Senator Shofner was granted leave of absence for today on account of illness on motion of Senator Moffett.

Senator Phillips was granted leave of absence for today on account of illness on motion of Senator Harris.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 18, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills:

H. B. No. 395, A bill to be entitled "An Act to amend Section 1 of Ch. 558, H. B. 1082, of the 47th Legislature, enacted in its R. S.; providing for a severability clause; and declaring an emergency."

H. B. No. 432, A bill to be entitled "An Act to confer upon all counties in the State of Texas the right of eminent domain to acquire property, real and personal, rights of way and easement over land, public or private, for making and digging canals, drains, levees and improvements for flood control, and drainage as related to flood control, and providing outlets for the runoff of excessive waters and related purposes, prescribing procedure, and authorizing counties and other governmental subdivisions to cooperate and contract with reference to flood control works, and declaring an emergency."

H. B. No. 536, A bill to be entitled "An Act amending Article 4445, Section 3; and Subsection 1, of Section 4, of the Revised Civil Statutes of Texas, 1925, providing for procedure in determining and treating persons infected with Venereal Disease, and

those reasonably suspected of same by authorized health officers; repealing all laws in conflict with such sections of said article as hereby amended; and declaring an emergency."

H. B. No. 597, A bill to be entitled "An Act providing for the protection of unborn children and the public health by requiring prenatal examinations for syphilis; providing for the examinations and standard serologic tests for pregnant women and certificates and laboratory statements with respect thereto; providing for method of approval of laboratories performing such tests; providing for waiving of examinations and certificates under certain conditions; defining a standard serologic test for syphilis; and providing penalties for the violation thereof."

H. B. No. 604, A bill to be entitled "An Act to amend Sections one (1), two (2), four (4), five (5), and nine (9), Acts 1939, 46th Legislature, page 376, Chapter 7, requiring permits for and regulation of the manufacture, repair, renovation, sale, or having in possession with intent to sell bedding; and declaring an emergency."

H. B. No. 656, A bill to be entitled "An Act to define the offense of encouraging or contributing to child delinquency and prescribing the punishment therefor, stating the definition of the term delinquent, fixing the jurisdiction of the court, authorizing the court to suspend any sentence imposed and to require a bond conditioned on the performance of conditions imposed by the court, and declaring an emergency."

H. B. No. 828, A bill to be entitled "An Act providing that no teacher who has a proper certificate to teach in the public free schools of this State who has three or more years of college credit toward his degree shall be prohibited from teaching in such schools by reason of his not having acquired a college degree prior to September 1, 1950; and declaring an emergency."

H. B. No. 917, A bill to be entitled "An Act amending Section 17a of Article 2815h designated and so numbered in Section 1 of Senate Bill No. 227, Forty-fifth Legislature, Regular Session, 1937, governing in the creation of Union Junior Colleges and

joint county Junior Colleges, and declaring an emergency."

H. B. No. 924, A bill to be entitled "An Act making an emergency supplemental appropriation out of the State Board of Architectural Examiners Fund to the State Board of Architectural Examiners; and declaring an emergency."

H. B. No. 933, A bill to be entitled "An Act creating the Special District Court of Nacogdoches County, Angelina County and Cherokee County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a Judge thereof, fixing his powers and duties; providing for the transfer of cases from the Second Judicial District Court to said Special District Court and from said Special District Court to the Court of the Second Judicial District; etc.; and declaring an emergency."

H. B. No. 471, A bill to be entitled "An Act to re-enact Article 4769, Revised Civil Statutes of 1925, defining insurance organizations, providing this Act shall apply only to insurance companies not organized under the laws of this State who are transacting business in this State; etc.; and declaring an emergency."

H. B. No. 925, A bill to be entitled "An Act amending Title 50, Revised Civil Statutes of Texas, 1925, by amending Article 3084, Revised Civil Statutes of Texas, 1925, so as to change the date on which electors shall meet to cast their votes for President and Vice-President; etc.; and declaring an emergency."

The House has concurred in Senate amendments to H. C. R. No. 40 by vote of 120 yeas and 0 nays.

The House has concurred in Senate amendments to House Bill No. 457 by vote of 120 yeas and 0 nays.

The House has concurred in Senate amendments to House Bill No. 701 by vote of 113 yeas and 1 nay.

The House has concurred in Senate amendments to House Bill No. 871 by vote of 108 yeas and 0 nays.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 209 on Passage to Third Reading

The President pro tempore laid before the Senate as the unfinished special order, on its passage to third reading:

H. B. No. 209, A bill to be entitled "An Act to repeal Chapter 238, Senate Bill No. 62 of the General Laws passed by the Regular Session of the 43rd Legislature, also known as Penal Code, Article 430a, and as the 'Unauthorized Practice Act,' and declaring an emergency."

The bill having been read second time on Thursday, May 12, 1949.

Question—Shall the bill be passed to third reading?

The bill was passed to third reading.

House Bill 209 on Third Reading

Senator Kelly of Tarrant moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 209 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Nays—2

Hardeman	Harris
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Absent

McDonald	Moffett
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Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Nays—2

Hardeman	Harris
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Absent—Excused

Bullock	Shofner
Phillips	

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 274, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

KELLY of Tarrant, Chairman.

Senator Carney submitted the following reports:

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 152, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 598, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 700, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 855, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 863, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 905, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and

be not printed.

CARNEY, Chairman.

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 927, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

**Report of Conference Committee on
House Bill 393**

Senator Morris submitted the following report:

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on House Bill 393, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

MORRIS
ASHLEY
HARRIS
TYNAN
HARDEMAN

On the part of the Senate

JAMES
RUST
FLY
MOURSUND

On the part of the House.

H. B. 393

By: Fly

**A BILL
TO BE ENTITLED**

"An Act to facilitate and encourage the distribution of electric energy to the inhabitants of the small towns, villages and rural areas of the State of Texas providing that lines for the transmission and transportation of electric energy may be constructed, erected and maintained on the right-of-way of roads and highways outside the corporate limits of cities and towns and providing that such lines may be

constructed, erected and maintained within the corporate limits of a city or town with the consent and under the direction of its governing body; providing that where such lines are built into an unincorporated town, which thereafter becomes an incorporated town, the corporation owning such lines shall have the right to extend, operate and maintain its lines in said town for a period of ten years after the date of such incorporation; providing adequate standards of construction for the safety of the public; repealing all laws and parts of laws in conflict herewith; containing the severability clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Corporations organized under the Electric Cooperative Corporation Act of this State, and all other corporations (including River Authorities created by the Legislature of this State) engaged in the generation, transmission and/or the distribution of electric energy in Texas and whose operations are subject to the Judicial and Legislative processes of this State, shall have the right to erect, construct, maintain and operate lines over, under, across, upon and along any State highway or county road in this State, except within the limits of an incorporated city or town; and to maintain and operate existing lines located on such highways and county roads; and to erect, maintain and operate lines over, across and along the streets, alleys and other public property in any incorporated city or town in this State, with the consent and under the direction of the governing body of such city or town. Except as modified or changed by ordinance or regulation in incorporated cities and towns, all lines for the transmission and distribution of electric energy, whether along highways or elsewhere, shall be constructed, operated and maintained, as to clearances, in accordance with the National Electrical Safety Code, as published in March, 1948, by the National Bureau of Standards, Handbook 30, provided that lines along highways and county roads shall be single pole construction, and provided that at any place where a transmission line crosses a highway or road

it shall be at least twenty-two (22) feet above the surface of the traffic lane. Any such corporation shall notify the State Highway Commission, or the Commissioners Court having jurisdiction, as the case may be, when it proposes to build lines along the right-of-way of any State highway, or county road, outside the limits of an incorporated city or town, whereupon the Highway Commission, or the Commissioners Court, may, if it so desires, designate the place along the right-of-way where such lines shall be constructed. The public agency having jurisdiction or control of a highway or county road, that is, the Highway Commission or the Commissioners Court, as the case may be, may require any such corporation, at its own expense, to re-locate its lines on a State highway or county road outside the limits of an incorporated city or town, so as to permit the widening of the right-of-way, changing of traffic lanes, improvement of the roadbed, or improvement of drainage ditches located on such right-of-way by giving thirty (30) days written notice to such corporation and specifying the line or lines to be moved, and indicating the place on the new right-of-way where such line or lines may be placed. In the event a State highway or county road on which lines have been built passes through or into an unincorporated city or town, which thereafter becomes an incorporated city or town, the corporation owning such lines shall continue to have the right to build, maintain and operate its lines along, across, upon and over the roads and streets within the corporate limits of such city or town for a period of ten (10) years from and after the date of such incorporation, but thereafter only with the consent of the governing body of such city or town, but this provision shall not be construed as prohibiting such city or town from levying taxes and such special charges for the use of the streets as are authorized by Article 7060, Revised Civil Statutes of the State of Texas; and the governing body of such city or town may require any such corporation, at its own expense, to re-locate its poles and lines so as to permit the widening or straightening of streets, by giving to such corporation thirty (30) days notice and specifying the new location for such poles and lines along the right-of-way of such street or streets.

Section 1a. Any incorporated city or town in this State which owns and operates an electric generating plant or operates transmission lines and/or distribution system or systems shall have the right to erect, construct, maintain and operate lines over, under, across, upon and along any state highway or county road in this State, except within the limits of another incorporated city or town; and to maintain and operate existing lines located on such highways and county roads; and to erect, maintain and operate lines over, across and along the streets, alleys and other public property in any other incorporated city or town in this State with the acquiescence or consent and under the regulations of the governing body of such city or town. Except as modified or changed by ordinance or regulation in incorporated cities and towns, all lines for the transmission and distribution of electric energy, whether along highways or elsewhere, shall be constructed, operated and maintained in accordance with the National Electrical Safety Code, as published in March, 1948, by the National Bureau of Standards, Handbook 30, provided that lines along highways and county roads shall be single pole construction, and provided that at any place where a transmission lines crosses a highway or road it shall be at least twenty-two (22) feet above the surface of the traffic lane. Any such incorporated city or town authorized to build lines along highways and public roads under this Section shall notify the State Highway Commission or the Commissioners Court having jurisdiction, as the case may be, when it proposes to build lines along the right-of-way of any state highway, or county road, outside the limits of an incorporated city or town, whereupon the Highway Commission, or the Commissioners Court, may, if it so desires, designate the place along the right-of-way where such lines shall be constructed. The public agency having jurisdiction or control of a highway or county road, that is, the Highway Commission or the Commissioners Court, as the case may be, may require any such municipal corporation, at its own expense, to re-locate its lines on a State Highway or county road outside the limits of an incorporated city or town, so as to permit the widening of the right-of-way, changing of traffic lanes, improvement of the roadbed, or improvement of

drainage ditches located on such right-of-way, by giving thirty (30) days' written notice to such municipal corporation owning such lines, and specifying the line or lines to be moved, and indicating the place on the new right-of-way where such line or lines may be placed. In the event a State highway or county road on which lines have been built passes through or into an unincorporated city or town, which thereafter becomes an incorporated city or town, the municipal corporation owning such lines shall continue to have the right to build, maintain and operate its lines along, across, upon and over the roads and streets within the corporate limits of such city or town for a period of ten (10) years from and after the date of such incorporation, but thereafter only with the consent of the governing body of such city or town; and the governing body of such city or town may require the municipal corporation owning such lines, at its own expense, to relocate its poles and lines so as to permit the widening or straightening of streets, by giving to the municipal corporation owning such lines thirty (30) days' notice and specifying the new location for such poles and lines along the right-of-way of such street or streets. Nothing herein shall be construed as granting the right to such municipal corporation to maintain existing lines in any area, which is included within the corporate limits of another city or town prior to the effective date of this Act, without the consent of the governing body of such city or town.

Section 2. All Statutes or parts of Statutes in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. If any section, sentence, phrase, clause, or any part of any section, sentence, phrase or clause of this Act shall, for any reason, be held invalid, such decision shall not affect the remaining portions of this Act and it is hereby declared to be the intention of this Legislature to have passed each section, sentence, phrase, clause or part thereof irrespective of the fact that any other section, sentence, phrase or clause or part thereof may be declared invalid.

Section 4. The fact that since the beginning of the electric power and light business in this State the distribution of electric energy to areas outside the limits of the incorporated

cities has been based on legal concept that the Commissioners Courts of this State had the authority to grant franchises for the use of the roads and highways; and the further fact that the Supreme Court has held that Commissioners Courts have no such authority; and the fact that, under such decision, there is no agency authorized to permit electric lines to be built along the edge of the right-of-way of highways and public roads, or to authorize the maintenance and operation of lines that have been so built under county franchises, thus making it extremely difficult, if not impossible, in many cases, to finance the extension of existing lines, or to build new lines; and the fact that there is now no adequate standard of construction for the safety of the public in the rural areas and small towns, and the fact that the public demands the expansion of electric service in the rural areas of the State creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—1

Corbin

Absent—Excused

Bullock	Shofner
Phillips	

Senate Resolution 169

Senator Corbin offered the following resolution:

Whereas, Seventy pupils of the Littlefield High School of Lamb County, Texas, are on an educational tour of the City of Austin; and

Whereas, This group, along with their sponsors, Mr. and Mrs. Joe C. Hutchinson, Mrs. J. B. Johnson, Mrs. G. G. Wilson, Mrs. Glen D. Young, Mrs. Ernest Fowler, Mrs. Mary Ruff and Mrs. Charles Pharris, are present in the Senate gallery today; now, therefore, be it

Resolved, By the Senate of Texas, that we bid them a hearty welcome, and that a copy of this Resolution be forwarded to the Superintendent and each member of this group.

The resolution was read and was adopted.

House Bill 869 on Second Reading

Senator Cousins moved to suspend the regular order of business to take up House Bill No. 869 for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—1

Hardeman

Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 869, A bill to be entitled "An Act creating Trinity Bay Conservation District and prescribing its powers, duties and functions; providing means of annexing additional territory and the assumption by the en-

larged district of the indebtedness of certain types of districts; abolishing two named drainage districts; providing for the cooperation of the conservation district with other public agencies and political subdivisions; containing a savings clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 869 on Third Reading

Senator Cousins moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 869 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Strauss
Hardeman	Taylor
Harris	Tynan
Hazlewood	Vick
Hudson	Weinert
Jones	

Nays—3

Lane Martin
Lock

Absent—Excused

Bullock Shofner
Phillips

House Bill 274 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 274, A bill to be entitled "An Act relating to the jurisdiction of the County Court of Blanco County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the District Court of said county to such change; fixing the time of holding Court and to repeal all laws in conflict with this Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 274 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 274 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock Shofner
Phillips

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock Shofner
Phillips

Conference Committee on House Bill 130

Senator Kelly of Tarrant called up from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 130 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President pro tempore announced the appointment of the following conferees on the bill on the part of the Senate: Senators Kelly of Tarrant, Hudson, Vick, Kelley of Hidalgo and Tynan.

House Bill 470 on Second Reading

The President pro tempore laid before the Senate as a special order for this hour on its second reading and passage to third reading:

H. B. No. 470, A bill to be entitled "An Act validating annexation proceedings in cities operating under the General Laws of Texas, having a population in excess of Five Thousand (5,000) inhabitants, according to the last preceding Federal Census; authorizing such cities to levy, assess, and collect taxes in annexed areas; providing this Act shall not apply to

any city now involved in litigation or in which annexation of territory to such city is attacked in litigation within forty-five (45) days after the effective date of this Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 470 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 470 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Nays—2

Aikin	Hardeman
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Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Ashley	Kelly of Tarrant
Bell	Lock
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Nays—4

Aikin	Lane
Bracewell	Martin

Absent—Excused

Bullock	Shofner
Phillips	

Senate Bill 483 on First Reading

Senator Strauss moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Shofner
Phillips	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Strauss:

S. B. No. 483, A bill to be entitled "An Act to amend Article 1154 of the Revised Civil Statutes of Texas, 1925, to provide that cities and towns which have adopted a commission form of government may adopt an aldermanic or other lawful form of government at an election under the procedure for adoption of commission form of government; and declaring an emergency."

To the Committee on Towns and City Corporations.

House Bill 162 on Second Reading

The President pro tempore laid before the Senate as a special order for this hour on its second reading and passage to third reading:

H. B. No. 162, A bill to be entitled "An Act to promote the orderly development, conservation and use of the underground waters of this State; declaring the public policy of this State with respect thereto; providing that it shall be the duty of the State Board of Water Engineers to designate ground-water basins and subdivisions thereof, and to alter the boundaries thereof; etc.; and declaring an emergency."

The bill was read second time.

Senator Bell offered the following committee amendment to the bill:

Amend H. B. No. 162 by adding following Sub-section F of Section 1, a new Sub-section "G" to read as follows:

"G. No district created under this Section 3c shall have the power to levy or collect a tax for any purpose to exceed fifty cents on the one hundred dollars assessed valuation on property in the district subject to taxation."

The committee amendment was adopted.

Senator Lock offered the following amendment to the bill:

Amend H. B. No. 162, Section 1, Subsection 3c A (4) by striking out the word "formation" and substituting in lieu thereof the word "reservoir."

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend H. B. No. 162 by adding a new paragraph at the end of Section 1 to read as follows:

"G. Any such district may be dissolved in the manner provided by Section 10 of Chapter 280, Acts of 1929, 41st Legislature, Regular Session, regardless of whether or not such district may have outstanding indebtedness at the time of dissolution. In the event such district shall have outstanding bonds or other indebtedness maturing beyond the current year in which such dissolution occurs, the Commissioners Court of the county in which the district is situated shall levy and cause to be collected as county taxes are assessed and collected, sufficient taxes on all taxable property within such district to pay the principal and interest on such indebtedness

when due. This paragraph shall not apply to districts composed of territory in more than one county."

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend H. B. No. 162, Section 1E, by adding a new subsection after subsection (3) to be known as "sub-section (4)" to read as follows:

"(4) At any election for the creation of such districts or for issuing bonds or otherwise lending the credit of the district, only the property tax-paying residents of the district who have duly and personally rendered their property for taxation and which property appears on the rendered roll and who are otherwise qualified shall be entitled to vote."

The amendment was adopted.

On motion of Senator Bell and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

H. B. No. 162 was passed to third reading.

House Bill 162 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 162 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore then laid

the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—1

Hardeman

Absent—Excused

Bullock	Shofner
Phillips	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 106, Granting each House permission to adjourn from Thursday, May 19, 1949, to Monday, May 23, 1949.

May 19, 1949. The House has adopted the Conference Committee report on House Bill No. 393 by a vote of 114 yeas, 3 nays.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Concurrent Resolution 106

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 106, Granting each House permission to adjourn from Thursday, May 19, 1949, until Monday, May 23, 1949.

The resolution was read and was adopted.

House Bill 673 on Second Reading

On motion of Senator Carney and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 673, A bill to be entitled "An Act to amend Section I of Chapter 125, Acts of the Regular Session of the 41st Legislature, as amended, Chapter 70, Acts of the Regular Session of the 43rd Legislature and carried in the Revised Civil Statutes as Article 2039a, providing a means of serving civil process upon non-residents of this State, their agents, servants or employees, in any civil action or proceeding against such non-residents, their agents, servants or employees, growing out of any accident or collision in which said non-residents, their agents, servants or employees may be involved while operating a motor vehicle or motorcycle in this State, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 673 on Third Reading

Senator Carney moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 673 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Motion to Place House Bill 753 on Second Reading

Senator Harris moved to suspend the regular order of business to take up H. B. No. 753 for consideration at this time.

The motion was lost by the following vote:

Yeas—13

Aikin	McDonald
Corbin	Morris
Harris	Proffer
Hazlewood	Taylor
Jones	Tynan
Lane	Vick
Martin	

Nays—14

Ashley	Hudson
Bell	Kelley of Hidalgo
Bracewell	Lock
Carney	Moffett
Colson	Moore
Cousins	Strauss
Hardeman	Weinert

Absent

Kelly of Tarrant

Absent—Excused

Bullock	Shofner
Phillips	

House Bill 511 on Second Reading

The President pro tempore laid before the Senate as a special order for this hour on its second reading and passage to third reading:

H. B. No. 511, A bill to be entitled "An Act validating certain covenants restricting additional indebtedness and taxes contained in plans for the composition of indebtedness of water improvement districts and making such covenants binding when the plan is accepted by the holders of all of the outstanding bonded indebtedness or is confirmed by a court; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 511 on Third Reading

Senator Kelley of Hidalgo moved

that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 511 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Nays—1

Martin

Absent—Excused

Bullock	Shofner
Phillips	

House Bill 217 on Second Reading

The President pro tempore laid before the Senate as a special order for this hour on its second reading and passage to third reading:

H. B. No. 217, A bill to be entitled "An Act to make permanent the 128th Judicial District of Texas composed of Orange County, Texas, and to provide for the terms thereof; and to provide that the Judge of the 128th Judicial District shall continue to serve in said District and the period thereof; and to provide that the County Attorney of Orange County, Texas, shall perform the duties of County and District Attorney of said 128th Judicial District and to provide his compensation therefor; and declaring an emergency."

The bill was read second time and was passed to third reading.

Motion to Place House Bill 217 on Third Reading

Senator Cousins moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 217 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the members present):

Yeas—22

Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Carney	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Moore
Harris	Proffer
Hazlewood	Strauss
Hudson	Tynan
Jones	Vick

Nays—6

Aikin	Morris
Hardeman	Taylor
Lock	Weinert

Absent—Excused

Bullock	Shofner
Phillips	

House Bill 779 on Second Reading

Senator Morris moved to suspend the regular order of business to take up H. B. No. 779 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kelly of Tarrant
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

Nays—5

Corbin	Lock
Hudson	Weinert
Lane	

Absent

Ashley

Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 779, A bill to be entitled "An Act amending Chapter 457, Acts of the Fiftieth Legislature, by adding a new section at the end of Section 1 thereof to be numbered Section 1a; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 779 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 779 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Kelly of Tarrant
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—4

Hudson	Lock
Lane	Weinert

Absent

Ashley

Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Kelly of Tarrant
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—4

Hudson	Lock
Lane	Weinert

Absent

Ashley

Absent—Excused

Bullock	Shofner
Phillips	

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Corbin submitted the following report:

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 482, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CORBIN, Chairman.

Senator Bell submitted the following report:

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred Senate Bill No. 119, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BELL, Chairman.

Committee Substitute House Bill 1 on Second Reading

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 1, A bill to be entitled "An Act creating the Texas State Board for Eleemosynary Institutions, transferring to said Board the control and management of eleemosynary institutions of this State, providing for certain powers and duties of said Board, including the authority to employ a director, repealing all conflicting laws and parts of laws, and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 1 by inserting a new section to be known as Section 7a, to read as follows:

"Section 7a. Expenditure of the money appropriated in this Act shall be subject to the approval of the Legislative Audit Committee."

AIKIN
BULLOCK

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend the caption to Committee Substitute for House Bill No. 1 by adding the following provision on line 20, page 1, immediately following the words "for Negro girls":

"The Waco State Home, Waco, Texas, and the State Orphans Home, Corsicana, Texas; and providing for the transfer of the Waco State Home,

Waco, Texas, and the State Orphans Home, Corsicana, Texas, to the State Department of Public Welfare."

Senator Taylor moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—24

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Nays—3

Corbin	Morris
Martin	

Absent

Hazlewood

Absent—Excused

Bullock	Shofner
Phillips	

The bill was passed to third reading.

Committee Substitute House Bill 1 on Third Reading

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lock
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Colson	Morris
Hardeman	Proffer
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Nays—5

Carney	Corbin
--------	--------

Cousins	Martin
Kelley of Hidalgo	

Absent

Hazlewood

Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moore
Colson	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelly of Tarrant	Weinert

Nays—6

Carney	Kelley of Hidalgo
Corbin	Martin
Cousins	Moffett

Absent—Excused

Bullock	Shofner
Phillips	

Motion to Place House Bill 69 on Second Reading

Senator Jones moved to suspend the regular order of business to take up H. B. No. 69 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—16

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Martin
Bracewell	Moffett
Hardeman	Proffer
Harris	Strauss
Hudson	Tynan
Jones	Vick

Nays—12

Carney	Colson
--------	--------

Corbin	McDonald
Cousins	Moore
Hazlewood	Morris
Lane	Taylor
Lock	Weinert

Absent—Excused

Bullock	Shofner
Phillips	

House Bill 6 on Second Reading

On motion of Senator Proffer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 6, A bill to be entitled "An Act authorizing, empowering and directing the Board of Regents of the Texas State Teachers Colleges to contract with certain municipalities for water at certain State teachers colleges, repealing all laws, contracts and agreements in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Proffer offered the following amendment to the bill:

Amend H. B. No. 6 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The Board of Regents of the Texas State Teachers Colleges is hereby authorized and empowered to contract with the City of Denton, Texas, for the furnishing of water and other utility services to the North Texas State Teachers College. The said Board of Regents shall likewise be authorized and empowered to contract with any other city or municipality in which there is located any of the other State teachers colleges for the furnishing of water, lights, sewerage or other utility services required by said institutions.

"Sec. 2. The rates to be charged the North Texas State Teachers College at Denton, Texas, and any other college under this Act, shall not exceed those regularly established, published and declared rates for similar customers, or if there be no similar customers, the rates to be charged shall be those established by the said City of Denton or other city concerned respectively, for commercial

users; provided the City of Denton, or other city concerned, may make such adjustments, discounts, and special rates as the governing authorities of said city of Denton, or other city concerned, may see fit to provide for said North Texas State Teachers College, or any other college under this Act.

"Sec. 3. The provisions of any former Act of the Legislature, special or general law, contract or agreement relating to the furnishing of water at the North Texas State Teachers College, or at any other State Teachers College, are each and severally repealed by the passage of this Act to the extent of any conflict between said laws, contracts and agreements and the provisions of this Act, and it is specifically declared to be the intention of the Legislature, by the passage of this Act, to authorize and empower the said Colleges to contract and pay for water and other utility services used by them, notwithstanding any prior act of agreement by which water was to be furnished said institutions free of charge by the municipal authority wherein said college is located.

"Sec. 4. The fact that the demands for water at the North Texas State Teachers College and any other college under this Act have rapidly increased and have placed an undue burden on the cities to such an extent that said cities cannot continue to furnish water without charging said colleges for same; the fact that the original agreements for the furnishing of water to said colleges by the cities concerned did not contemplate the furnishing of free water for dormitories, athletic and recreational grounds and areas used commercially by said colleges; the necessity for permissive legislation to allow payment before the advent of summer and another serious water crisis at the said college create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring the reading of bills in each House on three several days; and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Senator Proffer offered the following amendment to the bill:

Amend H. B. No. 6 by striking out all above the enacting clause and inserting in lieu thereof the following:

H. B. No. 6, A bill to be entitled "An Act authorizing and empowering the Board of Regents of the Texas State Teachers Colleges to contract with certain municipalities for water and other utility services at North Texas State Teachers College; repealing all laws, contracts and agreements in conflict herewith, and declaring an emergency."

The amendment was adopted.

The bill was passed to third reading.

House Bill 6 on Third Reading

Senator Proffer moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Shofner
Phillips	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Colson
Ashley	Corbin
Bell	Cousins
Bracewell	Hardeman
Carney	Harris

Hazlewood	Moffett
Hudson	Moore
Jones	Morris
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Strauss
Lane	Taylor
Lock	Tynan
Martin	Vick
McDonald	Weinert

Absent—Excused

Bullock	Shofner
Phillips	

House Bills on First Reading

The following bills, received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 925, to Committee on Privileges and Elections.

H. B. No. 471, to Committee on Insurance.

H. B. No. 933, to Committee on Judicial Districts.

H. B. No. 924, to Committee on Finance.

H. B. No. 917, to Committee on Education.

H. B. No. 828, to Committee on Education.

H. B. No. 656, to Committee on Criminal Jurisprudence.

H. B. No. 604, to Committee on Public Health.

H. B. No. 597, to Committee on Public Health.

H. B. No. 536, to Committee on Public Health.

H. B. No. 432, to Committee on Civil Jurisprudence.

H. B. No. 395, to Committee on Towns and City Corporations.

Senate Bill 484 on First Reading

Senator Kelly of Tarrant moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Bullock	Shofner
Phillips	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kelly of Tarrant:

S. B. No. 484, A bill to be entitled "An Act to appropriate Five Thousand Dollars (\$5,000.00) for the Livestock Sanitary Commission to pay traveling and subsistence expenses supplementing the appropriation for traveling expenses made for the biennium ending August 31, 1949; and declaring an emergency."

To Committee on Finance.

Bills and Resolutions Signed

The President pro tempore signed in the presence of the Senate after giving due notice thereof the following enrolled bills and resolutions:

S. B. No. 457, A bill to be entitled "An Act validating, ratifying, approving and confirming certain proceedings and bonds heretofore had or authorized by cities for purchasing fire trucks and equipment; providing that this Act shall not apply to any proceedings or bonds, the validity of which has been contested in any pending suit or litigation; and declaring an emergency."

S. B. No. 182, A bill to be entitled "An Act making it unlawful to hunt, take or kill any deer in McLennan County for a period of five years from the effective date of this Act; fixing a penalty for violation of this Act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 42, A bill to be entitled "An Act validating the separation, divorce, or attempted separation or divorce of independent school districts from municipal control, including those where a majority of the voters voting at an election held, or attempted to be held under the provisions of Article 2783a (Acts 1929, Forty-first Legislature, page 674, Ch. 302), voted in favor of such separation or divorce, etc., and declaring an emergency."

S. B. No. 151, A bill to be entitled "An Act amending Acts 1947, Regular Session, 50th Legislature, Chapter 250, page 447, to permit the use of fruit jars with funnel attached for taking minnows for bait and the use of twenty-foot minnow seines and cast nets of any size mesh for taking certain rough fish in McLennan county public waters; repealing conflicting laws and declaring an emergency."

S. C. R. No. 57, Urging observance of Memorial Day.

S. C. R. No. 8, Granting Mrs. Billie R. Du Bois permission to sue the State.

S. B. No. 393, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 386, Chapter 256, Acts of the Regular Session of the 45th Legislature, 1937, page 507, so as to include within the provisions of said Act the counties of Cochran, Hockley, Lubbock, Crosby, Lynn, Dawson, Terry and Garza, and retaining therein the counties of Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher and Wheeler; and declaring an emergency."

Adjournment

Senator Strauss moved that the Senate adjourn until 10:30 o'clock a.m. Monday, May 23, 1949.

Senator Harris moved that the Senate recess to 2:30 o'clock p.m. today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	Martin
Carney	McDonald
Cousins	Strauss
Hardeman	Taylor
Hudson	Tynan
Kelley of Hidalgo	Weinert

Nays—11

Bracewell	Moffett
Colson	Moore
Corbin	Morris
Harris	Proffer
Jones	Vick
Lane	

Absent

Hazlewood

Absent—Excused

Bullock	Shofner
Phillips	

The Senate accordingly at 12:25 o'clock p.m., adjourned until 10:30 o'clock a.m. Monday, May 23, 1949.

FIFTY-THIRD DAY

(Monday, May 23, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Phillips

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Bell, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 19, 1949, was dispensed with and the Journal approved.

Leave of Absence Granted

Senator Phillips was granted leave of absence for today on account of illness on motion of Senator McDonald.

Reports of Standing Committees

Senator Aikin submitted the following report:

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 473, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Proffer submitted the following report:

Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 921, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Senate Bill 485 on First Reading

Senator Kelly of Tarrant moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Ashley
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